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UPPER SILESIA

On October 12, 1921, the Council of the League of Nations unanimously adopted a recommendation fixing the boundary line between Germany and Poland in Upper Silesia as follows:

The frontier-line would follow the Oder from the point where that river enters Upper Silesia as far as Niebotschau; it would then run towards the northeast, leaving in Polish territory the communes of Hohenbirken, Wilhelmsthal, Raschutz, Adamowitz, Bogunitz, Lissek, Summin, Zwonowitz, Chwallenczitz, Ochojetz, Wilcza (upper and lower), Kriewald, Knurow, Gieraltowitz, Preiswitz, Makoschau, Kunzendorf, Paulsdorf, Ruda, Orzegow, Schlesiengrube, Hohenlinde; and leaving in German territory the communes of Ostrog, Markowitz, Babitz, Gurek, Stodoll, Niederdorf, Pilchowitz, Nieborowitzer Hammer, Nieborowitz, Schönwald, Ellguth, Zabrze, Sosnica, Mathesdorf, Zaborze, Biskupitz, Bobrek, Schomberg; thence it would pass between Rossberg (which falls to Germany) and Birkenhain (which falls to Poland) and would take a north-westerly direction, leaving in German territory the communes of Karf, Miechowitz, Stollarzowitz, Friedrichswille, Ptakowitz, Larischhof, Miedar, Hanusek, Neudorf-Tworog, Kottenlust, Potemba, Keltsch, Zawadski, Pluder-Petershof, Klein-Lagiewnik, Skrzidlowitz, Gwosdzian, Dzielna, Cziasnau, Sorowski, and leaving in Polish territory the communes of Scharley, Radzionkau, Trockenberg, Neu-Repten, Alt-Repten, Alt-Tarnowitz, Rybna, Piassetzna, Boruschowitz, Mikoleska, Drathhammer, Bruschiek, Wüstenhammer, Kokottek, Koschmieder, Pawonkau, Spiegelhof (Gutsbezirk), Gross Lagiewnik, Glinitz, Kochschütz, Lissau.

To the North of the last place, it would coincide with the former frontier of the German Empire as far as the point where the latter frontier joins the frontier already fixed between Germany and Poland.¹

Although in the form of a recommendation, the action of the Council had the effect of a final decision, as each of the governments represented in the Supreme Council of the Allied Powers, by which body the question had been submitted to the Council two months earlier, had "formally undertaken to accept the solution recommended by the Council of the League."²

The history of this difficult and important decision relates back to the Treaty of Versailles and the efforts of the framers of that settlement to apply President Wilson's principles. Under the original conditions of peace handed to the German peace delegation on May 7, 1919, Upper Silesia was to be ceded to Poland, but as the result of the German protest against the proposed cession, it was decided to modify this portion of the peace terms so as to provide for a plebiscite. In communicating this modification to Germany the Allied Powers solemnly declared that it is not true that Poland "possessess no rights capable of being maintained in accordance with the principles of President Wilson" and that they "would have

¹Minutes of the extraordinary session of the Council of the League of Nations, Aug. 29-Oct. 12, 1921, p. 19.

²Note transmitted by M. Briand to Viscount Ishii, August 24, 1921, Minutes, *ibid.*, p. 15.

entirely violated the principles which the German Government itself claims to accept, if they had not taken Polish rights over this district into account." Since, however, the German Government maintained "that separation from Germany is not in accordance with the wishes or interests of the population, the Allied and Associated Powers are disposed to leave the question to be determined by those whom it particularly concerns."³

The final terms of the Treaty of Peace were amended accordingly. Germany renounced in favor of Poland "all rights and title over the portion of Upper Silesia lying beyond the frontier line fixed by the Principal Allied and Associated Powers as the result of the plebiscite" (Art. 88, Treaty of Versailles). German troops and officials were required to evacuate the territory within fifteen days, and it was placed immediately under the authority of an international commission designated by the Allied and Associated Powers and occupied by their troops (Annex to Art. 88). The international commission was charged with the duty of insuring the freedom, fairness and secrecy of the vote, the result of which "will be determined by communes according to the majority of votes in each commune." Section 5 of the annex provides for the fixing of the boundary line as follows:

On the conclusion of the voting, the number of votes cast in each commune will be communicated by the Commission to the Principal Allied and Associated Powers, with a full report as to the taking of the vote and a recommendation as to the line which ought to be adopted as the frontier of Germany in Upper Silesia. In this recommendation regard will be paid to the wishes of the inhabitants as shown by the vote, and to the geographical and economic conditions of the locality.

The plebiscite took place on March 20, 1921, and the results were proclaimed on April 24; but the international commission failed to agree upon and therefore did not recommend a frontier line. The results of the plebiscite are thus summarized in a report of Viscount Ishii to the Council of the League of Nations:

The results of the plebiscite in Upper Silesia were unfortunately not of a nature to allow the frontier line to be drawn according to the wishes of the population, nor did the economic and geographical conditions of the localities give any decisive indications to show how a line should be determined. Indeed, the fact that the two considerations had to be taken into account only complicated the situation.

The plebiscite showed that, taking Upper Silesia as a whole, in certain districts toward the North and West, where the agricultural population is predominant, a great majority of the communes voted for Germany. In other districts, towards the South, where the inhabitants are chiefly of the agricultural and mining classes, the vote of the population was largely in favour of Poland. In an extensive territory in the Centre and East, the voting was of a very confused character. Here are to be found the metallurgical and chemical works and important deposits of coal, zinc and iron. The majority of the communes voted for Poland. Although in the big towns large major-

³Reply to the observations of the German delegation, Minutes, *ibid.*, p. 13.

ities were recorded for Germany, these towns are encircled by the Polish voting communes. It is to be noted that, although in a sense they form a network of their own, they are partly dependent for essential raw materials on outside districts. They are situated near the extreme Eastern limit of Upper Silesia, geographically distant from the bulk of the German voting communes, though the districts which separate them from these communes are not thickly populated.⁴

The report of the international commission was submitted to the Supreme Council, which appointed a committee of experts to undertake further investigations, but this committee was likewise unable to agree upon a frontier line. Its report is thus summarized by M. Briand in his note to Viscount Ishii above referred to:

The Committee reached entire agreement as to the legal interpretation of the Treaty; it was therefore led to reject the solution which favoured the handing over of the territory in its entirety and which considered the results of the vote as a whole. It also gave general indications as to the degree of importance to be assigned to the geographical and economic conditions referred to in the Treaty. On the other hand, it did not succeed in reaching an agreement on a frontier line. In particular difference of opinion was revealed as to the right method of defining and describing the industrial and mining area of Upper Silesia, one delegation isolating in this area an "indivisible triangle" which could be separated from the southern part of the area, and which contained a German majority, another maintaining that the mining and industrial basin formed a single unit and that it was not possible to imagine the separate existence of the "industrial triangle."⁵

The Supreme Council, after fruitless efforts to settle the question by negotiation among its members on Aug. 12, 1921, invited the Council of the League of Nations to recommend the line which the Principal Allied and Associated Powers should lay down. The difficulty was submitted to the League in pursuance of Article 11, paragraph 2 of the Covenant, which declares it "to be the friendly right of each Member of the League to bring to the attention of the Assembly or of the Council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends."

The Council accepted the invitation and, as above stated, on October 12, 1921, unanimously recommended the frontier line. The recommendation recited that the Council has made the weighty problem the subject of

⁴Minutes, *ibid.*, p. 9.

According to figures published in *Commerce Reports*, issued by the Bureau of Foreign and Domestic Commerce, Washington, D. C., Nov. 28, 1921, pp. 795 *et seq.*, in the whole plebiscite area 59.6 per cent. of the votes were cast for Germany and 40.4 per cent. for Poland. In the districts of the west and north five-sixths of the votes were for Germany; in the southern districts 70 per cent. of the votes were for Poland, while in the central and eastern area the vote was almost evenly divided, about 52 per cent. falling to Germany and 48 per cent. to Poland.

⁵Minutes, *ibid.*, p. 15.

long deliberations and thorough investigation and has endeavored to interpret faithfully and in an equitable spirit the provisions of the Treaty of Versailles with regard to Upper Silesia. "The Council, being convinced that its duty was above all to endeavour to find a solution in conformity with the wishes of the inhabitants, as expressed by the plebiscite, while taking into account the geographical and economic situation of the various districts, has been led to the conclusion that it is necessary to divide the industrial region of Upper Silesia." But, the Council continued, "owing to the geographical distribution of the population and the mixture of the racial elements, any division of this district must inevitably result in leaving relatively large minorities on both sides of the line and in separating important interests." In order, therefore, to guarantee the continuity of the economic life of the region during the period of readjustment, the Council formulated and recommended draft transitory provisions to be incorporated in a general convention between Germany and Poland relating to railways, water and electric power, monetary system, postal service, customs regime, coal and mine products, employers and workers federations, social insurance, and freedom of movement between the respective zones. It also formulated and recommended draft provisions for the protection of minorities.⁶

The plebiscite area embraces only about 4,100 square miles, with a population in 1919 of 2,060,000, but its rich coal and zinc deposits and highly developed iron and steel industries make the region of great economic importance. The decision of the Allies allots to Poland about 1,300 square miles, but this zone comprises 47 per cent. of the population, three-fourths of the coal production, all of the zinc mines and works, and half of the capacity of steel works. In this area about 510,000 votes were cast, of which about 285,000 were for Poland and 225,000 for Germany.

According to *Commerce Reports*, previously cited, from which these figures are taken, in 1913 the mines in Upper Silesia which are now assigned to Poland produced approximately 32,500,000 tons of coal, and those now assigned to Germany approximately 10,500,000 tons, the output for the whole area being valued at \$75,000,000 annually. The total production of coal in Germany in the same year, excluding Alsace-Lorraine and the Saar Basin, was 174,000,000 tons, of which the production in the territory now assigned to Poland constituted 19 per cent. The pre-war production of coal in the present territory of Poland, exclusive of Upper Silesia, was about 9,000,000 tons, so that the production of Poland will be multiplied about four times by the decision. Since the pre-war consumption amounted to about 18,000,000 tons, it is evident that Poland will now have a considerable surplus of coal for exportation.

The production of pig iron in Upper Silesia in 1913 was 995,000 tons,

⁶Minutes, *ibid.*, p. 16.

valued at about \$15,000,000 and representing about 6 per cent. of the aggregate production of Germany in its then existing boundaries. Approximately all of the iron ore mines lie in territory which has been allotted to Poland. Of the total number of blast furnaces in Upper Silesia immediately preceding the war, twenty-two were in territory now assigned to Poland and fourteen in that assigned to Germany. Of the eight principal iron and steel works, five are now in Polish territory. While the iron and steel production of the Upper Silesian territory which has passed to Poland constitute a comparatively small fraction of the total German output, it represents a very great increase in the Polish iron and steel industries, which, in 1913, had a production of 641,000 tons.

The output of raw zinc of Upper Silesia, amounting to nearly \$20,000,000 per year, in 1912 was 168,600 tons, which represented about five-eighths of the total production of Germany, more than one-sixth of the world production, and was equal roughly to three-fifths of the production of the United States. The value of Upper Silesian production of lead with its by-products amounted before the war to nearly \$3,500,000 per year. Practically the entire zinc and lead industry of Upper Silesia has passed to Poland.

But "while the decision thus allots to Poland decidedly more of the mineral wealth and of the manufacturing industries of Upper Silesia than remain with Germany, the latter retains the great bulk of the agricultural and forest land. Most of the seven-tenths of the plebiscite area allotted to Germany consists of excellent agricultural land or is occupied by valuable forests, which must be considered of great economic importance." In this territory about 675,000 votes were cast, of which about 480,000 were for Germany and 195,000 for Poland.

The new boundary starts at Oderberg in the south and follows the Oder River northwest to a point a little below the city of Ratibor. Thence it proceeds in an approximately straight line toward the northeast to the city of Beuthen, only a few miles from the former Polish border. Leaving that city to Germany, it turns northwest to a point west from the city of Lublinitz, where it turns again toward the northeast until it intersects the Polish border. It thus gives to Poland the southeastern part of the county of Ratibor, the great bulk of Rybnik, a small southeastern corner of the county of Tost-Gleiwitz, and the whole of the county of Pless. In the Industrial District Poland receives the southeastern half of Zabrze (less important industrially than the other half), the whole of Kattowitz, somewhat over half of the county of Beuthen, and the city-county of Königshütte. To the north of the Industrial Triangle, Poland receives much of the greater part of the county of Tarnowitz, a small corner of Tost-Gleiwitz and approximately two-thirds of Lublinitz, including the city of that name. Germany retains the counties of Leobschütz, Neustadt, Kosel, Oppeln, Kreuzburg, Gross Strehlitz, and Rosenberg, and most of Ratibor and Tost-Gleiwitz. The small northwestern section of Rybnik gives her a direct railroad line from Ratibor to Gleiwitz. She retains the industrial cities of Beuthen and Gleiwitz and the northwestern parts of the counties of Beuthen and Zabrze, all of which are of great economic importance.⁷

⁷*Commerce Reports, op. cit., p. 796.*

The recommendations of the Council of the League of Nations as to the frontier and the general convention between Germany and Poland were approved on October 20 "by the Conference of Ambassadors, acting in the name and by special mandate of the British Empire, France, Italy and Japan, signatories together with the United States of America, as Principal Allied and Associated Powers, of the Treaty of Peace of Versailles," and transmitted on the same day by M. Briand as President of the Conference of Ambassadors, to the Ambassador of Germany and the Minister of Poland at Paris, with the statement that the treaty must be observed in its entirety, and in case either Germany or Poland should refuse to accept all or part of it or place obstacles in the way of its loyal execution, the Allied Powers reserve the right to take any measures to give full effect to their decision.

Pursuant to the recommendations of the Council, the Allied Powers directed the formation of a mixed commission of two Germans and two Poles, natives of Upper Silesia, with a president of some other nationality to be designated by the Council of the League of Nations, to supervise the execution of the transitory economic provisions to be incorporated in the treaty recommended by the Council, and the appointment of an arbitral tribunal to adjust differences of a private nature growing out of the settlement, this tribunal to be composed of three judges, one designated by Germany and one by Poland, and the president by the Council of the League of Nations. The Conference of Ambassadors further decreed that the aforementioned convention be negotiated by a German and Polish plenipotentiary under the presidency of a person to be designated by the Council of the League of Nations, who shall cast the deciding vote in case of disagreement between the parties, and the two governments were required to name their plenipotentiaries within eight days. The decree of the Allies further directed that the mixed commission above provided for be immediately constituted, to cooperate with the inter-Allied commission now administering the territory under the Treaty of Versailles, in the adoption of preparatory measures for the transition from the present state to the new régime.

The decision of the Allied Powers finally provided that as soon as they shall decide that the boundary commission provided for in the recommendation of the Council has sufficiently delimited the frontier on the spot and the general convention has been negotiated, the plebiscite commission shall give to the German and Polish Governments notification that they are free to take over the administration of the territories respectively allotted to them in accordance with Section 6 of the annex to Article 88 of the Treaty of Versailles.⁸

GEORGE A. FINCH.

⁸*L'Europe Nouvelle*, Oct. 29, 1921, pp. 1404-1408; and Monthly Summary of the League of Nations, Nov. 1921, p. 157.